Leave granted.

Mr. T. S. Narayana Ayyar.—I then move, Sir, that the Bill be taken up for consideration.

Mr. T. K. Krishna Menon.—I second it.

President.—The motion before the House is that the Bill to amend the Cochin Salt Regulation be taken up for consideration.

Motion put and agreed to.

President.—Then, all the clauses of the Bill may be taken as read in Council and passed.

Preamble. Whereas it is expedient to amend the Cochin Salt Regulation, V of 1083, hereinafter called the said Regulation, it is hereby enacted as follows:—

Short title. 1. (a) This Regulation may be called the Cochin Salt (amendent) Regulation.....of 110 .

(b) It shall come into force at once.

'Commissioner of Excise' and 'Commissioner' substituted for Superintendent of Salt-Revenue' and Superintendent'. 2. The words 'Commissioner of Excise' and 'Commissioner' shall be substituted for the words 'Superintendent of Salt-Revenue' and 'Superintendent' in sections 4, 15, 35 and 44 wherever else they occur in the said Regulation and in the rules and notifications issued thereuneder.

Amendment to section 3 (g). 3. In section 3 (g) of the said Regulation, the word 'Circle' shall be substituted for the word 'Taluk'.

4. For the words 'Inspector of the Taluk' occurring in sections 13 and 14 of the said Regulation, the words 'Inspector of the Circle' shall be substitituted.

Question put and agreed to.

Mr. T. S. Narayana Ayyar.—Sir, I beg to move that the bill be taken up and passed on Friday, the 5th of December.

President.—The motion before the House is that the bill be taken up and passed on Friday.

Motion put and agreed to.

The House rose for lunch at 2 p. m. and met again at 3 p. m. with the President in the Chair.

A Bill to Amend the Cochin Abkari Regulation.

President.—The Law Member will introduce the Bill to amend the Cochin Abkari Regulation.

Mr. T. S. Narayana Ayyar.—Sir, I beg to move that the Bill to amend the Cochin Abkari Regulation, Regulation I of 1077 be read in Council.

Mr. T. K. Krishna Menon.—I second it.

Mr. T. S. Narayana Ayyar.—In this Bill also, the names of officers have to be changed with reference to the orders passed on the Report of the Special Finance Committee. We seek to introduce the words "Commissioner of Excise" instead of the words "Superintendent of Abkari Revenue" and that

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occurs in several sections. The other change is to substitute the word "Sub-Inspector" for the word "Inspector" in sections 31 and 32 of the Regulation. Then we aslo change the words "Magistrate of a District" into "District Magistrate."

Mr.C.A.Kunjunni Raja.—Sir, I wish to make a few observations. So far as clause (1) is concerned it is not objectionable. It is only a consequential amendment on account of the orders passed on the Special Finance Committee's Report. With regard to the next clause, namely, that the word 'Sub-Inspector' shall be substituted for the word "Inspector" in sections 31 and 32, that is an amendment which has to be considered carefully by the Council. As the Law now stands section 31 runs as follows:—"Whenever the Superintendent of Abkari Revenue, or any Abkari or Police Officer not below the rank of Inspector or a Police Station Officer has reason to believe that an offence under section 55 or section 57 or section 58 of this Regulation has been committed and that the delay occasioned by obtaining a search warrant under the preceding section will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time by day or night, enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Regulation, and may detain and search, and if he think proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Regulation.

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before an Abkari Inspector as the case may be."

Then section 32. "The Superintendent of Abkari Revenue, or any Abkari Officer not below the rank of Inspector, or any Police Officer duly empowered in that behalf, may enter and inspect, at any time by day or by night any place in which any licensed manufacturer carries on the manufacture of any liquor or intoxicating drug or draws toddy, or stores any liquor or intoxicating durg or toddy; and may enter and inspect, at any time during which the same may be open, any place in which any liquor or intoxicating drug is kept for sale by any licensed person; and may examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, liquor or intoxicating drugs found in such place." By this amendment Sub-Inspectors are allowed to enter houses without any search warrant from the Magistrate. Under section 31 any officer above the rank of an Inspector has to record his reasons before search and in section 32 even without recording the reasons search can be conducted.

President—We are not on the consideration of the principles of the Bill.

Mr. C. A. Kunjunni Raja.—As a result of the orders passed on the Special Finance Committee's Report the post of aminadars was abolished and Sub-Inspectors have been appointed in their place. There was a Bill in the First Council, introduced by the Government, to invest these aminadars with these powers

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and the Bill was opposed by the non-officials and thrown out. The proceedings are reported in pages 31 to 48 of Volume IV of the Printed Proceedings of the Legislative Session of 1103. So far as these aminadars, whose names only are changed into Sub-Inspectors, are concerned, it is very dangerous to entrust them with this power to search without a warrant from the Magistrate. The Magistrates are available in almost every town and every taluk. The Aminadar-Sub-Inspectors can freely put in a report to the Magistrates and get warrants before search. The Magistrates will make necessary enquiries to see whether there is any ground toissue a warrant. Unless the Sub-Inspectors are of a better order, it is dangerous to entrust them with these powers of search without warrant. Regarding the other provision there is no objection.

Mr. U. Kandar Menon.—Sir, I rise to support the motion. My learned friend is mistaken in thinking that the Sub-Inspectors, referred to in the amendment, are to be recruited from the aminadars. That is a mistake. On the other hand they represent the present day Inspectors. The present day aminadars will be Petty Officers according to the new scheme. If, instead of Sub-Inspectors, we had designated these officers as Circle-Inspectors and Inspectors in the new scheme we need not have come to the Council at all for this amendment. The designation of these officers in British India and other places is Sub-Inspectors and the same was adopted here. That is all the difference. Most of the present Inspectors will be Sub-Inspectors according to the new scheme. There are only two Circle Inspectors and they will be in charge of three taluks each, so that it will be impossible for them to exercise the powers under sections 31 and 32. The House will be pleased to see that, even under the existing Regulation, any officer is entitled to search a house with a warrant from the Magistrate. It is very easy to obtain warrants. In ex-parte proceedings it is well known that it is very easy to get search warrants. In the interest of the officers concerned it is always advantageous to make a search after obtaining a warrant from the Magistrate. Had it not been for the fact that the delay and publicity, involved in obtaining search warrants from the Magistrates, would frustrate the very object of the search, there is no objection at all for us to get a warrant. I submit that there is absolutely no danger in entrusting these Sub-Inspectors with these powers. They are practically the present-day Inspectors who are exercising this power. Of course this is not peculiar to this State. Such a provision exists in the Abkari Act of other States. In some places not only Sub-Inspectors but also any officer empowered by

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the Government can exercise this power. Here we do not want to take such a power. We only want that the Sub-Inspectors also should be invested with such power. Strictly speaking there is absolutely no difference between the new section and the old section. The Inspectors under the old section are now styled as Sub-Inspectors. I submit the House may be pleased to allow the amendment.

Mr. M. K. Raman.—Are there not more Sub-Inspectors than there were Inspectors?

Mr. U. Kandar Menon.—Whatever may be the number, that cannot make any difference. That is only for the efficiency of the administration.

Mr. A. Eachara Menon.—Government, I think, replaced aminadars by Inspectors.

Mr. U. Kandar Menon.—The name of the post is changed.

Mr. Ekkanda Warriar.—May I know the pay they draw?

Mr. U. Kandar Menon.—The idea of the Government is to appoint men of higher educational qualifications as far as possible. Almost all the present day Inspectors will be Sub-Inspectors. Their pay is 40 to 60 and 60 to 80.

Mr. K. Ayyappan.—What was the original pay?

Mr. U. Kandar Menon.—Rs. 50. Highest Rs. 100.

Mr. K. Ayyappan.—The lowest pay?

Mr. U. Kandar Menon.—Rs. 50; but 40 to 60 now.

Mr. K. Ayyappan.— So formerly they started on Rs. 50 and now it is Rs. 40. Therefore there is a lowering.

Mr. U. Kandar Menon.—In considering the status of the officer you have to look to the maximum pay.

Mr. M. K. Raman.—Before the reorganization how many Inspectors were there?

Mr. U. Kandar Menon.— Six Inspectors and two distillery Inspectors.

Mr. M. K. Raman.—Now under the present scheme?

Mr. U. Kandar Menon.—Fifteen. That is because there is difference in jurisdiction.

Mr. A. B. Salem.—May I put a question, Sir? Whether any of the aminadars are now to be made Sub-Inspectors?

Mr. U. Kandar Menon.—As far as possible, they would not be appointed. I cannot definiteiy say that none will be appointed. There might be one or two exceptions.

Mr. K. Ayyappan.—I want to know whether the original Inspectors have to get warrant from the Magistrates?

Mr. U. Kandar Menon.—No. After all it is very easy to get warrant from the Magistrate. We will get for the mere sking.

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President.—The motion before the House is that the Cochin Abkari Regulation Amendment Bill be read in Council.

Motion put and carried.

Secretary to the Council.—The Title of the Bill is "a Bill to Amend the Cochin Abkari Regulation."

Mr. T. S. Narayana Ayyar.—Now I would request the President to suspend the Standing Order 32.

President.—Standing Order suspended.

Leave granted.

Mr. T. S. Narayana Ayyar.—I beg to move that the Bill be taken into consideration.

Mr. T. K. Krishna Menon.—I second it.

President.—The question before the House is that the Bill to amend the Cochin Abkari Regulation be taken into consideration.

Motion put and carried.

President.— Then the following sections may be taken as parts of the Bill.

Preamble. Whereas it is expedient to amend further the Cochin Abkari Regulation, I of 1077, it is hereby enacted as follows:—

Short Title. 1. (a) This Regulation may be called the Cochin Abkari (amendment) Regulation of 11 .

(b) It shall come into force at once.

'Commissioner' and 'Commissioner of Excise' substituted for 'Superintendent' and 'Superintendent' of Abkari Revenue. 2. The word 'Commissioner' and 'Commissioner of Excise' shall be substituted for the words 'Superintendent' and 'Superintendent of Abkari Revenue' in the following sections of the Cochin Abkari Regulation (hereinafter called the said Regulation) *viz.*, 3, 4, 6, 11, 12, 13, 14, 15, 16, 20, 21, 22, 25, 26, 28, 31, 32, 40, 62 and 66 and wherever else they occur in the said Regulation and in the Rules, Notifications, licences and permits issued thereunder.

Amendment to sections 31 and 32. 3. For the word 'Inspector' in sections 31 and 32 of the said Regulation, the word 'Sub-Inspector' shall be substituted.

Amendment to section 54. 4. In section 54 of the said Regulation, for the words 'Magistrate of the District,' the word 'District Magistrate' shall be substituted.

Question put and agreed to.

Mr. T. S. Narayana Ayyar.—I move that the Bill be taken up and passed on Friday next.

Mr. T. K. Krishna Menon.—I second it.

President.—The motion before the House is that the Bill to amend the Cochin Abkari Regulation be taken up and passed on Friday next.

Motion put and agreed to.

Bill to Amend the Cochin Tenancy Regulation.

President.—The Law Member will introduce the Bill to Amend the Cochin Tenancy Regulation.

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